DOCUMENT RESUME

ED 367 614 SP 035 038

TITLE	Handbook for Alaska Educators. Revised.
INSTITUTION	Alaska State Professional Teaching Practices Commission, Anchorage.
PUB DATE	Jun 92
NOTE	23p.
PUB TYPE	Guides - Non-Classroom Use (055)
EDRS PRICE	MF01/PC01 Plus Postage.
DESCRIPTORS	Codes of Ethics; Due Process; Educational Policy; Elementary Secondary Education; *Ethics; *Hearings; Higher Education; *Investigations; Professional Personnel; State Legislation; *State Standards; *Teacher Behavior; Teacher Certification
IDENTIFIERS	*Alaska

ABSTRACT

This handbook describes procedures used by Alaska's Professional Teaching Practices Commission (P.PC) in dealing with matters of professional conduct and certification within the teaching profession. The handbook summarizes procedures for handling complaints, investigations, hearings, and appeals. Guidelines for screening complaints are listed. A flowchart of the procedures for complaints, investigations, and hearings is provided, along with time expectations. Relevant Alaska statutes are excerpted, specifically sections of the Professional Teaching Practices Act. Regulations are also excerpted, addressing such topics as prohibition of sex discrimination, the code of ethics and teaching standards, and complaint processing. The handbook concludes with PTPC policies, PTPC bylaws, and a form for use in making a request for an investigation of a code of ethics and teaching standards complaint. (JDD)

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Alaska State Professional Teaching Practices Commission

Handbook for Alaska Educators

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Revised June 1992

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SECTION I

INTRODUCTION

In 1966 the Professional Teaching Practices Act (AS 14.20) was passed to provide a means of policing ethics and for improving the standards and practices within the education profession. The act created a nine-member commission consisting of five classroom teachers, one principal, one superintendent, one representative from the Department of Education, and one representative from higher education, all of whom are appointed by the governor for staggered three-year terms. Since 1973, an Executive Secretary has been employed to implement the policies and responsibilities of the Professional Teaching Practices Commission (PTPC).

A code of ethics for Alaska educators was adopted by the Commission and promulgated as state regulations. The code, which was rewritten in 1991, provides the ethical standards by which members of the profession are judged.

In general, the Commission deals with matters of professional conduct and certification. It has the responsibility and the power to discipline members of the teaching profession and may issue reprimands and suspend or revoke certificates of educators.

The services and resources of the PTPC are available to any individual or group. Members of the education profession, school board members, agencies, and private citizens may approach the Commission for information and assistance concerning matters of ethics and professional practices in public education in the State of Alaska.

It is the intent of the Professional Teaching Practices Commission to serve as a preventative and positive force in helping to enhance the professional performance of all educators so that the public's right to the best education possible for all of Alaska's students is adequately protected.

Further information may be obtained by contacting the PTPC office at:

Professional Teaching Practices Commission
344 W. 3rd Avenue, Suite 127
Anchorage, Alaska 99501
Phone: (907) 272-7668
Fax: (907) 272-8484

SECTION II

COMPLAINT, INVESTIGATION AND HEARING PROCEDURES SUMMARY

The following is a summary of the complaint, investigation and hearing procedures of the PTPC. When filing a complaint, the Alaska Statutes and Regulations provided in this manual should be reviewed for a full legal description.

The Commission has jurisdiction over persons required by Alaska law to hold a Type A certificate, school administrators, instructors in institutions of higher learning, school program administrators, and school counselors.

A. Complaints

Complaints may be submitted to the Commission by members of the education profession or by the public. Notification by a state agency to the Professional Teaching Practices Commission that an educator has committed a crime may also result in action by the PTPC.

In most cases, locally available procedures for processing complaints should be pursued where they are applicable before filing a complaint with the Commission. These procedures may include parent complaint procedures within the local school district, staff grievance procedures, school board hearings and the like.

A formal hearing is the final step in resolving allegations against educators by the Commission. Upon a finding, by a preponderance of the evidence, that one of the four reasons cited in AS 14.20.030 is applicable, one of the following sanctions may be imposed:
1) a warning; 2) a reprimand; 3) a suspension of the certificate; or 4) a revocation of the certificate.

B. Investigation Procedures

The Commission staff may subpoena and interview witnesses, copy documents, and undertake other activities necessarily incident to an investigation.

C. Hearing Procedures

If the Commission staff determines that there are sufficient facts to warrant a hearing, a formal accusation is issued.

If the respondent does not file a notice of defense, the Commission makes a determination on the record. If the respondent files a notice of defense, the governor appoints a hearing officer who presides over a hearing.

The hearing is a formal proceeding before the Commission in which the staff and the respondent may be represented by attorneys. All testimony is under oath and subject to cross-examination and all the procedures of the Administrative Procedure Act are observed.

D. Reprimand Hearing

If the staff decides that a violation has occurred but is not of the seriousness to warrant suspension or revocation of a certificate, a reprimand hearing may be conducted.

A reprimand hearing is before a panel of not less than three members appointed by the chair and is conducted in the same manner as the formal hearing.

E. Appeal of Executive Secretary's Decision

Where a complainant has requested that disciplinary action be taken against an educator but the Executive Secretary has made the administrative decision to dismiss the complaint on its face or to dismiss the complaint after an investigation, the complainant may appeal the decision. A written appeal must be filed within 15 days of the receipt of the notice of the decision.

The appeal will be heard by a three-member panel appointed by the Chair.

The review will be restricted to evidence previously submitted to the Executive Secretary.

The panel may uphold the decision of the Executive Secretary or direct that an investigation be completed and/or the matter brought to a hearing.

The decision of the panel is final and not subject to further appeal.

SECTION III

COMPLAINT SCREENING GUIDELINES

The Commission staff or investigating committee shall screen all complaints to determine whether an investigation is warranted.

1. An investigation may not be warranted if:

   a. The allegation, if true, would not constitute a violation of ethics or law.

   b. An investigation would place the Commission in a position of initial responsibility for investigating allegations which, by law or otherwise, are more appropriately the responsibility of a court of law or another administrative agency or commission.

   c. The complainant did not exhaust locally available school district remedies, including appeal to the school board. This does not apply if: 1) the complaint alleges a breach of ethics of such a serious nature so as to warrant further consideration by the Commission, or 2) the complaint is brought by the Department of Law, Department of Education or other state agency.

   d. The complaint involves an allegation of a contract violation for which a grievance procedure had been an available remedy.

   e. The complaint was filed so late as to cause the respondent undue prejudice.

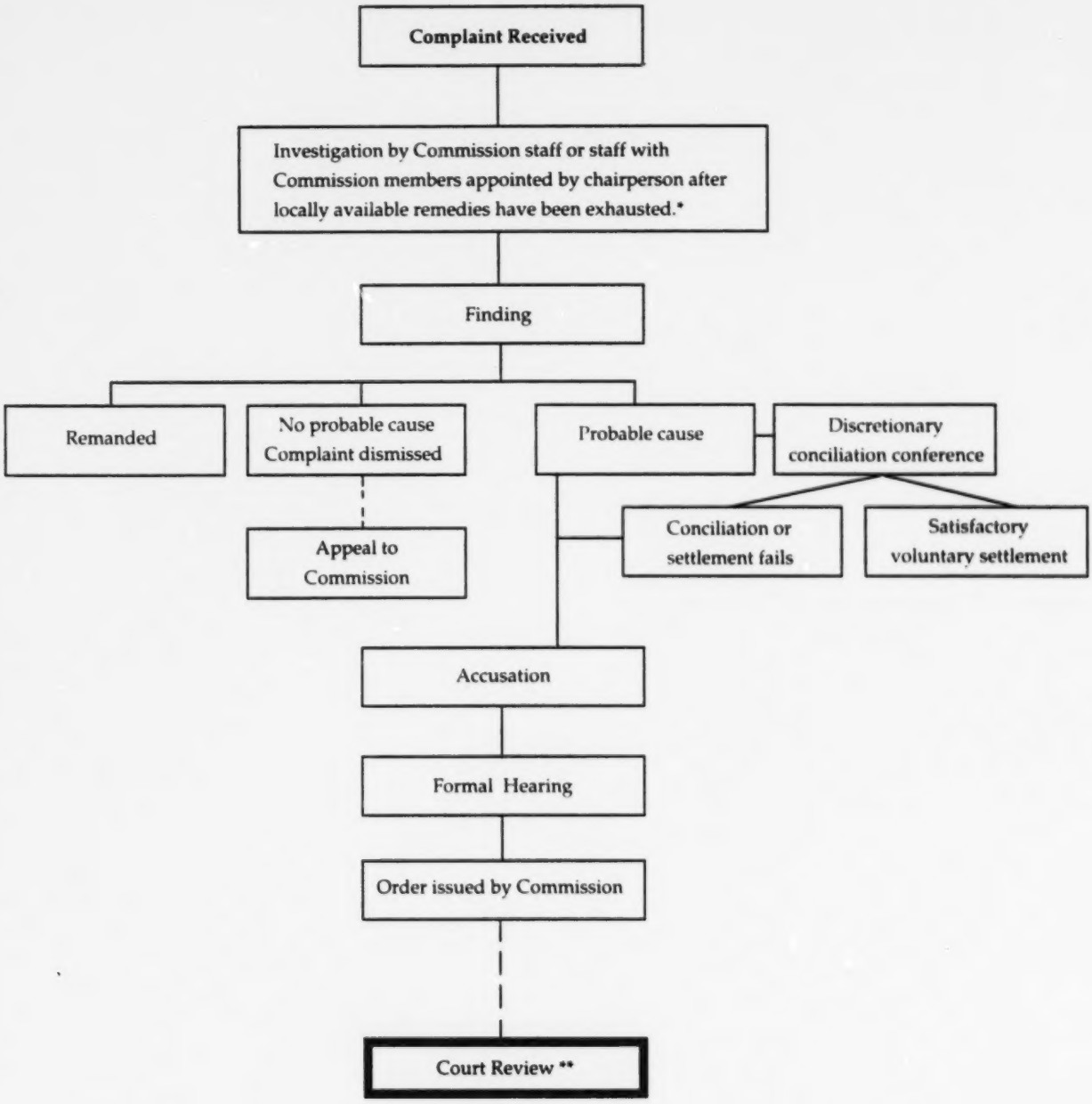
2. a. No complaint shall be investigated if anonymous.

   b. No complaint shall be investigated if frivolous.

3. If the complaint is filed by a third party, an inquiry will be made to determine why such third party filed the complaint before a decision is made to accept it for investigation.

SECTION IV

COMPLAINT, INVESTIGATION AND HEARING FLOWCHART



* Except in unusual circumstances, the Commission will not investigate a complaint until locally available remedies (e.g., grievance procedures, parental complaint systems) have been exhausted.

** Any order issued by the Commission is subject to court review.

TIME EXPECTATIONS

For a case in which a Notice of Defense is filed.

	Minimum	Maximum
1. Investigation	1 week	12 weeks
2. Attorney General review of case	1 week	12 weeks
3. Appointment of Hearing Officer	4 weeks	12 weeks
4. Hearing schedule set by Hearing Officer	3 weeks	12 weeks
5. Commission action	3 weeks	12 weeks
TOTAL	**12 weeks**	**60 weeks**

Factors that may increase the time to complete a case:

1. Summer vacation when witnesses are not available.
2. Scheduling investigator to remote areas.
3. Litigation in process which precludes witnesses from giving statements or providing documents.
4. Legal appeals to the Hearing Officer or the courts.
5. Time between Commission meetings at which action may be taken.

Title 14. Education
Article 5. Professional Teaching Practices Act.

Section
370. Teaching profession
380. Creation of a commission
390. Appointment and qualifications
400. Composition of the commission
410. Selection of members
420. Term of office
430. Dismissal
440. Reimbursement

Section
450. Responsibilities of commission
460. Duties of commission
470. Powers of commission
475. Applicability of the Administrative Procedure Act
480. Effect of standards
500. Support
510. Short title

Sec. 14.20.370. TEACHING PROFESSION. Teachers required by state law to be certificated, instructors in institutions of higher learning, school administrators, school program administrators, and school counselors are within the teaching profession.

Sec. 14.20. 380. CREATION OF A COMMISSION. There is a commission of professional educators known as the Professional Teaching Practices Commission.

Sec. 14.20.390. APPOINTMENT AND QUALIFICATIONS. The commission consists of nine members appointed by the governor and confirmed by a majority of the members of the legislature in joint session. Each member, in addition to having been actively engaged in the teaching profession for at least five years immediately preceding appointment, shall be a citizen of the United States and a resident of the state.

Sec. 14.20.400. COMPOSITION OF THE COMMISSION. The commission consists of the following members:

(1) five classroom teachers;
(2) one principal;
(3) one superintendent;
(4) one representative of the office of the commissioner;
(5) one representative of an Alaska institution of higher learning.

Sec. 14.20.410. SELECTION OF MEMBERS. (a) Members of the commission shall be selected as follows:

(1) the five classroom teachers from lists of names submitted by recognized Alaska teachers' organizations, each list not to exceed 12 names; however, in lieu of one of the five, one classroom teacher may be selected from a list of not more than four names signed and submitted by not less than 25 teachers who have no affiliation with any organization qualified to submit nomination lists, with the limitation that no teacher may sign more than one list in any year;
(2) the principal from a list of three names submitted by the Alaska Principals Association;
(3) the superintendent from a list of three names submitted by the Superintendents Advisory Commission;
(4) the representative of the office of the commissioner from a list of three names submitted by the commissioner;
(5) the representative of an Alaska institution of higher learning from lists of names submitted by Alaska institutions of higher learning, each list not to exceed three names.

(b) The lists shall be submitted to the commissioner who shall submit them as a group to the governor's office.
(c) At least 30 days before a position on

the commission is due to become vacant, the chairman shall cause notice of the impending vacancy to be published and to be conveyed to each organized group eligible to submit a list of nominees.

Sec. 14.20.420. TERM OF OFFICE.
(a) The term of office for each member of the commission is three years and until a successor is appointed.
(b) Vacancies shall be filled by appointment by the governor for the unexpired term.
(c) An individual may not serve more than a total of two 3-year terms.
(d) The commission shall select a chairman from among its members.

Sec. 14.20.430. DISMISSAL. Any member may be removed by the governor for misconduct, malfeasance or nonfeasance in office, or incapacity.

Sec. 14.20.440. REIMBURSEMENT. Members of the commission shall receive per diem according to law and are to be granted administrative leave with full pay by their employer for time spent in the performance of official duties under AS 14.20.370 - 14.20.510. If a member is required to spend more than 15 days in a fiscal year in the performance of official duties under AS 14.20.370 - 14.20.510, the state shall reimburse the employer for costs incurred after the 15th day.

Sec. 14.20.450. RESPONSIBILITIES OF COMMISSION. The commission shall have the initial responsibility of developing, through the teaching profession, criteria of professional practices in areas including, but not limited to:
(1) ethical and professional performance;
(2) preparation for and continuance in professional services; and
3) contractual obligations.

Sec. 14.20.460. DUTIES OF COMMISSION. The commission shall
(1) establish procedures, and adopt regulations to implement the purposes of AS 14.20.370 - 14.20.510;
(2) conduct investigations and hearings on alleged violations of ethical or professional teaching performance, contractual obligations, and professional teaching misconduct;
(3) review the regulations of the department as they relate to teacher certification and recommend necessary changes;
(4) review the decisions of the department regarding the issuance or denial of certificates and in its discretion recommend reversal of decisions.

Sec. 14.20.470. POWERS OF COMMISSION.
(a) The commission may
(1) study proposals developed by regular committees of any existing professional organization whose members are within the teaching profession;
(2) subpoena witnesses, place them under oath, and maintain written records;
(3) warn or reprimand members of the teaching profession, if in the judgment of the commission such action is warranted;
(4) suspend or revoke the certificate of a member of the teaching profession for one of the reasons set out in AS 14.20.030 except that in the case of an administrator, the commissioner must concur;
(5) make any recommendation to the board or to school boards which will promote an improvement in the teaching profession;
(6) request assistance through any of the investigative processes of any existing professional teaching organizations when analyzing charges of breach of ethical or professional teaching practices;
(7) appoint an executive secretary, delegate those ministerial functions

to the executive secretary as the commission may decide and set the executive secretary's compensation with a starting salary not exceeding range 26, step B of the pay plan for state employees in AS 39.27.011(a).

(b) A decision issued by the commission with the approval of the commissioner under (a)(4) of this section is final.

Sec. 14.20.475. APPLICABILITY OF THE ADMINISTRATIVE PROCEDURE ACT. The Administrative Procedure Act (AS 44.62) applies to regulations and proceedings under AS 14.20.370 - 14.20.510.

Sec. 14.20.480. EFFECT OF STANDARDS. Members of the teaching profession are obligated to abide by the professional teaching standards adopted by the commission.

Sec. 14.20.500. SUPPORT. In addition to available state funds, the commission shall also be financed by members of the profession in accordance with regulations adopted by the department including, if necessary, an increase in the fees for certificates.

Sec. 14.20.510. SHORT TITLE. AS 14.20.370 - 14.20.510 shall be known as the Professional Teaching Practices Act.

Sec. 14.20.030. CAUSES FOR REVOCATION AND SUSPENSION.

(a) The commissioner or the Professional Teaching Practices Commission may revoke or suspend a certificate only for the following reasons:

(1) incompetency, which is defined as the inability or the unintentional or intentional failure to perform the teacher's customary teaching duties in a satisfactory manner;
(2) immorality, which is defined as the commission of an act which, under the laws of the state, constitutes a crime involving moral turpitude;
(3) substantial noncompliance with the school laws of the state or the regulations of the department; or
(4) upon a determination by the Professional Teaching Practices Commission that there has been a violation of ethical or professional standards or contractual obligations.

(b) The commissioner or the Professional Teaching Practices Commission shall revoke for life the certificate of a person who has been convicted of a crime involving a minor under AS 11.41.434 -11.41.442, 11.41.455, or 11.41.460, or under a law in another jurisdiction with elements substantially similar to an offense described in AS 11.41.434 - 11.41.442, 11.41.455, or 11.41.460. When five years have elapsed after the person has received an unconditional discharge for the conviction, the person may petition the commission for recertification. When deciding whether to grant or deny the petition, the commission shall consider the nature of the particular crime, whether and to what extent the person has been rehabilitated, and the other factors that the commission determines are significant.

Sec. 14.20.040. APPLICABILITY OF THE ADMINISTRATIVE PROCEDURE ACT. The Administrative Procedure Act (AS 44.62) applies to all proceedings under AS 14.20.030, and revocations and suspensions are final and reviewable in accordance with AS 44.62.560 - 44.62.570.

Sec. 39.25.120(c)(9)(B). PARTIALLY EXEMPT SERVICE. This section provides that the executive secretary of the Professional Teaching Practices Commission is a partially exempt position.

TITLE 4
CHAPTER 06
ARTICLE 2
PROHIBITION OF SEX DISCRIMINATION

Sec. 580. 4 AAC 06.580(d). Nothing in 4 AAC 06.500 - 4 AAC 06.600 limits the commissioner or the Professional Teaching Practices Commission from seeking to revoke the certification of, suspend, or otherwise discipline an educator who violates AS 14.18 or 4 AAC 06.500 - 4 AAC 06.600.

CHAPTER 18
EMPLOYMENT OF PROFESSIONAL PERSONNEL
SECTION 10
TEACHER'S AND ADMINISTRATOR'S CONTRACTS

4 AAC 18.010 (a) (12). all contracts for teachers (as defined by AS 14.20.370) must contain a clause stating that the teacher is obligated to abide by the code of ethics and the professional teaching standards adopted by the Professional Teaching Practices Commission.

TITLE 20
CHAPTER 10
PROFESSIONAL TEACHING PRACTICES COMMISSION

ARTICLE
1. **PROFESSIONAL STANDARDS**
2. **(REPEALED)**
3. **COMPLAINTS AND INVESTIGATIONS**
4. **GENERAL PROVISIONS**

ARTICLE 1
PROFESSIONAL STANDARDS

20 AAC 10.010. COVERAGE. All members of the teaching profession (as defined in AS 14.20.370) are obligated to abide by the code of ethics and the professional teaching standards adopted by the Professional Teaching Practices Commission. (Eff. 1/30/75, Register 53)

Authority: AS 14.20.480

20 AAC 10.020. CODE OF ETHICS AND TEACHING STANDARDS .

(a) The following code of ethics and professional teaching standards of the Professional Teaching Practices Commission governs all members of the teaching profession. A violation of this section constitutes grounds for revocation or suspension of certification as provided in AS 14.20.030.

(b) In fulfilling obligations to students, an educator

(1) may not restrain a student from independent action in the student's pursuit of learning or deny the student access to varying points of view without reasonable cause;

(2) may not deliberately suppress or distort subject matter relevant to a student's progress;

(3) shall make reasonable effort to protect students from conditions harmful to learning or to health and safety;

(4) may not engage in physical abuse of a student or sexual conduct with a student and shall report to the commission knowledge of such an act by an educator;

(5) may not expose a student to unnecessary embarrassment or disparagement;

(6) may not, on the grounds of race, color, creed, sex, national origin, marital status, political or religious beliefs, physical condition, family, social or cultural background, or sexual

orientation exclude any student from participation in or deny the student a benefit under any program, nor grant any discriminatory consideration or advantage;

(7) may not use professional relationships with students for private advantage or gain;

(8) shall keep in confidence information that has been obtained in the course of providing professional service, unless disclosure serves a compelling professional purpose or is required by law;

(9) shall accord just and equitable treatment to all students as they exercise their educational rights and responsibilities.

(c) In fulfilling obligations to the public, an educator

(1) may not misrepresent an institution or organization with which the educator is affiliated;

(2) shall take reasonable precautions to distinguish between the educator's personal views and those of any educational institution or organization with which the educator is affiliated;

(3) may not knowingly distort or misrepresent facts concerning educational matters in direct and indirect public expressions;

(4) may not interfere with a colleague's exercise of political or citizenship rights and responsibilities;

(5) may not use institutional privileges for private gain, to promote political candidates, or for partisan political activities;

(6) may not accept a gratuity, gift, or favor that might influence or appear to influence professional judgment, nor offer a gratuity, gift, or favor to obtain special advantage.

(d) In fulfilling obligations to the profession, an educator

(1) may not, on the basis of race, color, creed, sex, national origin, marital status, political or religious beliefs, physical condition, family, social or cultural background, or sexual orientation, deny to a colleague a professional benefit, advantage, or participation in any professional organization, nor discriminate in employment practice, assignment, or personnel evaluation;

(2) shall accord just and equitable treatment to all members of the profession in the exercise of their professional rights and responsibilities;

(3) may not use coercive means or promise special treatment in order to influence professional decisions of colleagues;

(4) may not sexually harass a fellow employee;

(5) shall withhold and safeguard information acquired about colleagues in the course of employment, unless disclosure serves a compelling professional purpose;

(6) shall provide, upon the request of the affected party, a written statement of specific reasons for recommendations that led to the denial of increments, significant changes in employment, or termination of employment;

(7) may not deliberately misrepresent the educator's or another's professional qualifications;

(8) may not submit fraudulent information on any document in connection with professional activities;

(9) may not knowingly distort an evaluation of the educator's or another's professional performance;

(10) may not intentionally make a false or malicious statement about a colleague's professional performance or conduct;

(11) may not intentionally file a false or malicious complaint with the commission;

(12) may not seek reprisal against any

individual who has flied a complaint, provided testimony, or given other assistance in support of a complaint filed with the commission;
(13) shall cooperate fully and honestly in investigations and hearings of the commission;
(14) may not knowingly withhold or distort information regarding a position from an applicant or misrepresent an assignment or conditions of employment;
(15) may not unlawfully breach a professional employment contract;
(16) shall conduct professional business through appropriate channels;
(17) may not assign tasks to unqualified personnel. (Eff. 1/30/75, Register 53; am 8/10/80, Register 75; am 6/16/84, Register 90; am 8/5/90, Register 115; am 7/21/91, Register 119)

Authority: AS 14.20.370
AS 14.20.450
AS 14.20.460

20 AAC 10.040. COMMISSION RECORDS.
(a) All records of the commission are open for public inspection and copying, with the following exceptions:
(1) a document required by law or court order to be sealed or otherwise kept confidential;
(2) personnel files; and
(3) investigative files.
(b) An investigative file may be shared with appropriate law enforcement agencies where instances of criminal misconduct have been alleged or discovered in the course of an investigation. Access to the investigative file must be provided to the respondent who is the subject of a formal disciplinary proceeding which is based on the investigation.
(Eff. 8/12/82, Register 83)

Authority: AS 14.20.460

ARTICLE 2
REPRIMANDS

Repealed 7/22/89

ARTICLE 3
COMPLAINTS AND INVESTIGATIONS.

Section
200. Complaints
210. Complaint processing
220. Review of decision to dismiss complaint
230. Warning or reprimand hearing

20 AAC 10.200. COMPLAINTS.
(a) A person having knowledge of an alleged unlawful act, over which the commission has jurisdiction, by an educator, or an alleged violation of ethical or professional teaching standards or contractual obligations, or of alleged professional teaching misconduct by an educator, may file a complaint with the commission.
(b) A complaint filed with the commission must be in writing and must contain
(1) the full name and mailing address of the person making the complaint;
(2) the full name and address of the person against whom the complaint is made;
(3) a statement of the facts of the alleged act;
(4) the date or dates of the alleged act, and, if the act is of a continuing nature, the dates between which the acts are alleged to have occurred or are occurring;
(5) the specific statute or regulation alleged to have been violated, if known;
(6) any documentation that is relevant to the facts alleged and that is available to the complainant.
(c) A complaint may be filed with the commission, at the commission's office, by personal delivery or by mail.

(d) The commission will, in its discretion, and on its own motion, file a complaint and conduct an investigation under 20 AAC 10.200-20 AAC 10.220. (Eff. 7/22/89, Register 111)

Authority: AS 14.20.460

20 AAC 10.210. COMPLAINT PROCESSING. (a) Upon receipt of a properly filed complaint, the commission staff shall

(1) acknowledge receipt to the complainant; and

(2) determine whether the complaint sets out facts that, if true, would constitute a basis under AS 14.20 upon which the commission could impose a sanction upon any certificate held by the educator.

(b) If a complaint meets the requirements of a (a)(2) of this section, it is considered to be sufficient upon it face.

(c) If the commission staff determines that a complaint is not sufficient upon its face, the staff shall dismiss the complaint. The complainant will be notified of the dismissal and of the right to appeal.

(d) If the complaint is sufficient upon its face, the staff shall

(1) notify the complainant; and

(2) begin an investigation.

(e) During the investigation, the staff shall notify the respondent of the complaint and provide to the respondent a copy of the complaint and a copy of the commission's investigative procedures, which are contained in 20 AAC 10.200 - 20 AAC 10.230.

(f) The respondent may respond to the complaint.

(g) At any time after beginning an investigation the staff may

(1) bring the complaint to a hearing before the commission; or

(2) dismiss the complaint, in which case the staff shall inform the complainant and respondent of the determination, and advise the complainant of the right to appeal. (Eff. 7/22/89, Register 111)

Authority: AS 14.20.030
AS 14.20.460

20 AAC 10.220. REVIEW OF DECISION TO DISMISS COMPLAINT. A complainant may request an administrative review of the staff's decision to dismiss the complaint by filing a written request for review with the commission within 15 days after receipt of notice under 20 AAC 210(g)(2). The review shall be conducted by a panel of not less than three commission members appointed by the chair. The review of the staff's decision shall be limited to the written record and materials used by the staff in the determination to dismiss the complaint. The decision of the panel is the final decision of the commission. (Eff. 7/22/89, Register 111)

Authority: AS 13.40.460

20 AAC 10.230. WARNING OR REPRIMAND HEARING. A proceeding in which only a warning or reprimand is sought will be heard by a panel of not less than three commission members appointed by the chair. (Eff. 7/22/89, Register 111)

Authority: AS 14.20.460
AS 14.20.470

ARTICLE 4. GENERAL PROVISIONS

Section
300. Publication of Commission Action
310. Distribution of Handbook
900. Definitions

20 AAC 10.300. PUBLICATION OF COMMISSION ACTION.

(a) If the commission issues a warning, the warning will be sent to the respondent only.

(b) If the commission issues a reprimand, the reprimand will be sent to the respondent and, for placement in the respondent's file, to the

certification section of the Department of Education.

(c) If the commission takes disciplinary action that results in a suspension or revocation of a certificate other than an administrator's certificate, copies of the commission's decision and order will be sent to the following, in addition to the parties entitled to receive copies under the Administrative Procedure Act (AS 44.62):

(1) the chief school administrator in the district in which the respondent is employed;

(2) the school board president in the school district in which the respondent is employed;

(3) the certification section of the Department of Education;

(4) the Alaska teacher education associations; and

(5) the Alaska school administrators' association.

(d) If the commission takes disciplinary action that results in a suspension or revocation of an administrator's certificate, the commissioner of education and the respondent shall be notified. If the commissioner of education concurs as required by AS 14.20.470(a)(4), the sanction will be imposed and those identified in (c) of this section will be notified.

(e) The commission staff shall notify a complainant of the action of the commission. The notification shall be limited to a summary of the action. (Eff. 7/22/89, Register 111)

Authority: AS 14.20.460

20 AAC 10.310. DISTRIBUTION OF HANDBOOK. Copies of the Alaska State Professional Teaching Practices Commission's *Handbook for Alaska Educators* shall be conspicuously displayed, and available, at every education institution in the state whose employees are members of the teaching profession under AS 14.20.370. (Eff. 1/30/75, Register 53; am 7/22/89, Register 111)

Authority: AS 14.20.460
AS 14.20.470

Editor's Note: Copies of the handbook mentioned in 20 AAC 10.310 are available from the Professional Teaching Practices Commission, 344 West Third Avenue, Suite 127, Anchorage, Alaska 99501, or from the Department of Education, 801 West 10th Street, Suite 200, Juneau, Alaska 99801-1984.

20 AAC 10.900 DEFINITIONS. In this chapter,

(1) "sexual conduct" includes "sexual penetration" and "sexual contact" as those terms are defined in AS 11.81.900.

(2) "physical abuse" is an action beyond reasonable discipline that results in an adverse physical effect upon a student. (Eff. 8/5/90, Register 115)

Authority: AS 14.20.460(1)

SECTION VII

PTPC POLICIES

1. The PTPC may exercise its option to submit position statements, subject to the following conditions:

a. Positions will be formulated on an issue-by-issue basis.

b. The staff may publicly present only those positions that are on record.

c. Commission members may officially present only established positions.

d. Official elaboration and discussion of established positions should be made only by the chairperson and/or the staff.

2. While it is the Commission's general policy not to investigate matters absent the receipt of a formal written complaint, a situation may arise in which it would be appropriate for the PTPC staff to gather information or seek answers to questions regarding an alleged unethical or illegal practice. When conducting a preliminary review, the Commission staff:

a. shall consult the chairperson regarding the matter under review; and

b. may interview witnesses and obtain information necessary to determine the facts of the matter.

3. In the normal conduct of Commission activities, the staff may gain access to information which indicates that an act of misconduct over which the Commission has jurisdiction, may have occurred or may be occurring. Upon receipt of such information, the following procedures shall be in effect:

a. The Commission may file complaints on its own motion.

b. An illegal act may be referred to the proper authorities in either a formal or informal manner. Staff shall keep a record of all such references and responses.

c. The chairperson shall be consulted regarding unusual situations.

4. In response to requests for assistance in filing complaints or responses, the staff will provide assistance that will insure compliance with procedural requirements but may not assist complainants or respondents in setting forth the substance of complaints or responses.

5. The Commission will not involve itself with the normal operation of local school districts in personnel matters, such as the hiring, evaluation, transfer, reassignment, or dismissal of staff, curriculum issues, etc., unless a Commission investigation has shown that the action taken is clearly unethical and/or illegal.

6. No information regarding cases will be given to third parties unless and until a formal accusation has been issued. The public may review only those documents that have been presented as evidentiary information at a hearing; all other materials in the files are considered investigatory and are confidential.

7. The respondent in a complaint must be an individual rather than a board, department, organization or institution.

8. Except under unusual circumstances, the Commission will not investigate a complaint until all locally available remedies have been exhausted.

9. All travel by PTPC members or staff will be reimbursed based on the most direct and cost-effective means, unless prior authorization is received by the PTPC chairperson, and that all such travel will adhere to travel guidelines that are currently in effect in the departments of administration and education. (Adopted 10/5/83)

10. The Executive Secretary may exercise subpoena power with concurrence of the chair or upon the advice of the Commission attorney. (Adopted 5/9/84)

11. The Commission as a whole will vote on requests for abstentions by PTPC members where the possibility of conflict of interest may exist. (Adopted 5/9/84)

12. The specifics of all cases will be reported in the PTPC Newsletter and Case Summaries publication, and will include the names of respondents where suspension or revocations occurred (Adopted 4/24/86), and where reprimands are issued (Adopted 4/12/89).

Current as of June 1992

SECTION VIII

PTPC BYLAWS

Article I Membership

1. No member shall remain on the Commission if he or she changes professional positions in such a manner that he/she does not continue to represent the group making the original nomination for membership.

2. In the event a Commission member fails to discharge duties as outlined by the law, removal from office may be requested by a majority vote of the Commission. Such a request will be forwarded by the chairperson to the Governor through the Commissioner of Education.

Article II Meetings

1. The Commission shall hold an annual meeting in the fall of each year, with other regular meetings to be set by the Commission.

2. Special meetings may be called by the chairperson or, upon written request of four members of the Commission. The Executive Secretary shall notify all members of the time and place of such meetings.

3. Special meetings may be held by teleconference. Official minutes will be kept and become a part of the Commission record.

4. The conduct of the meetings shall be governed by Robert's Rules of Order, 1971 Edition.

Article III Officers

1. The officers of this Commission shall be a chair, vice-chair, and secretary. Each officer shall serve for one year with the privilege of reelection. Elections shall be held in the spring or the first annual meeting in the fall.

2. The chairperson shall preside at all meetings and take such other action as may be authorized by these bylaws or by the members of the Commission. The chairperson shall be privileged to comment or debate from the chair, and must cast a vote on any motion unless there had been prior approval to abstain.

3. The vice-chair shall preside in the absence of the chair, shall perform such other duties as may be specified by the Commission, and shall automatically become chair in case the duly elected chair should resign, die or for some other reason fail to serve.

4. The secretary shall insure that records of the activities and account of the Commission are maintained, and perform such other duties as the Commission may assign.

5. The three officers shall comprise the executive committee of the PTPC.

6. The Executive Committee of the Commission shall be empowered to act in emergency situations in order to carry out the responsibilities of the Commission. Any such action must be consistent with the provisions contained in the *Professional Teaching Practices Act*, the *Administrative Code*, and the *Bylaws* of the Commission, as well as any current procedures and/or policies that are in force and which have been approved by the Commission during official meetings of the Commission.

7. Officers shall take office when elected.

Article IV PTPC Staff

1. Executive Secretary's Job Description. The executive secretary:

   a. Explains and interprets regulations, code of ethics, school law, and offers advice,

b. Formulates written replies to formal complaints.

c. Conducts investigations of alleged unethical and/or illegal conduct.

d. Initiates and coordinates all aspects of disciplinary hearings, such as issuing subpoenas, writing investigative reports, drafting accusations, requesting hearing officers, notifying the parties involved both before and after hearings, and arranging for court reports, witnesses, and meeting arrangements for all concerned.

e. Works with the Commission's attorney from the Department of Law regarding complaints and hearings.

f. Prepares the agendas and all relevant reference material and makes all of the necessary arrangements for Commission meetings.

g. Prepares newsletters, annual reports, annual budget documents, case summary documents, charts, and other special reports and projects as required.

h. Regularly reviews school law periodicals, legal opinions, court decisions,arbitration rulings, articles, newsletters, etc.

i. Conducts research on relevant school law issues at the request of the Commission.

j. Writes recommended regulations, position statements, letters, reports, etc.

k. Proposes and administers the Commission's budget.

l. Testifies before the Legislature and State Board of Education on Commission matters.

m. Responds to special requests for information by state agencies, educational organizations, the news media, etc.

n. Makes presentations to college classes, conference sections, and school district in service programs regarding professional ethics, certification, and the Professional Teaching Practices Commission.

o. Represents the PTPC and participates in the State School Board meetings, conferences, workshops, certification meetings.

2. Secretary's Job Description. The secretary:

a. Sets up and maintains special files of correspondence and records for current projects.

b. Summarizes and interprets data and prepares reports.

c. Receives and screens telephone calls. Uses tact and discretion in public interaction. Maintains confidentiality of Commission business.

d. Arranges for transportation and accommodation of traveling staff members; checks and processes expense claims.

e. Drafts subpoenas, accusations and decision-and-order documents.

f. Is responsible for all financial coding and budget record keeping.

g. Prepares Hearing Officer contracts and maintains a record of funds encumbered in those contracts.

h. Keeps current on state administrative procedures.

PROFESSIONAL TEACHING PRACTICES COMMISSION

CODE OF ETHICS AND TEACHING STANDARDS COMPLAINT — REQUEST FOR INVESTIGATION

Please type or print clearly in dark ink.
Attach additional sheets if necessary.

PTPC Case No._____
PTPC Use Only

I, _____, wish to file the following complaint against
(name)

_____,
(name)

whose address is _____
(specify if address is for home or work)

and who is a _____ in the _____ school of the _____
(position)

school district in the State of Alaska. The actions listed below occurred on or about _____.
(date)

_____
(Attach additional sheets if necessary)

_____

_____

_____

_____

_____

_____

_____

_____

I believe that these actions violate the following sections and subsections of the *Code of Ethics and Teaching Standards*, 20 AAC 10.020:_____.

These are the previous steps I have taken in trying to solve this problem (please include results of these steps):

_____

_____

_____

_____

I hereby request that the Professional Teaching Practices Commission determine the merits of this complaint and take appropriate action.

Signed _____ Date _____ Phone _____

Address _____

Other persons qualified to give information relative to this problem:

Name	Address	Telephone	Position

Return form to: **Professional Teaching Practices Commission, 344 West Third Avenue, Suite 127, Anchorage, Alaska 99501 - Telephone 272-7668 FAX 272-8484**

Revised June 1992

Professional
Teaching Practices
Commission

344 W. Third Ave. Suite 127
Anchorage, Ak. 99501
Phone (907) 272-7668
FAX (907) 272-8484

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